

Adam M. Apton  
**LEVI & KORSINSKY, LLP**  
55 Broadway, 10th Floor  
New York, New York 10006  
Tel: (212) 363-7500  
Fax: (212) 363-7171  
Email: aapton@zlk.com

*Co-Lead Counsel for Lead Plaintiffs  
and the proposed Class*

[Additional counsel on signature block]

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE HUMANIGEN, INC.  
SECURITIES LITIGATION

Case No. 2:22-cv-05258-WJM-AME

THIS DOCUMENT  
RELATES TO:

CLASS ACTION

ALL ACTIONS

STIPULATION AND ORDER  
MODIFYING SCHEDULING  
DEADLINES

WHEREAS, on August 26, 2022, Alejandro Pieroni commenced an action captioned *Pieroni v. Humanigen, et al.*, Case No. 2:22-cv-05258-WJM-AME (the “Pieroni Action”) against Humanigen, Inc. and certain related parties alleging violations of the federal securities laws under Sections 10(b) and 20(a) of the Securities Exchange Act and Rule 10b-5, promulgated thereunder by the SEC;

WHEREAS, on October 17, 2022, Dr. Scott Greenbaum filed a substantially similar action captioned *Greenbaum v. Humanigen, et al.*, Case No. 2:22-cv-06118-WJM-AME (the “Greenbaum Action”);

WHEREAS, on October 25, 2022, Plaintiffs Joshua Mailey and Dr. Scott Greenbaum individually filed motions seeking consolidation of the Pieroni and Greenbaum Actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure and appointment of Lead Plaintiff and approval of selection of Lead Counsel pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”) (Dkt. Nos. 7, 9);

WHEREAS, on December 9, 2022, this Court entered an order, *inter alia*, consolidating the Pieroni and Greenbaum Actions for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure; appointing Plaintiffs Mailey and Greenbaum as Co-Lead Plaintiffs in the Consolidated Action and any subsequently filed or transferred actions that are consolidated with the Consolidated Action, pursuant to 15 U.S.C. §78u-4(a)(3)(B); and approving Co-Lead Plaintiffs’ selections of Pomerantz LLP and Levi & Korsinsky, LLP as Co-Lead Counsel (Dkt. No. 20);

WHEREAS, on December 22, 2022, Plaintiffs and Defendants filed a Stipulation and Order Setting Schedule for Filing Consolidated Amended Complaint and Response Thereto (Dkt. No. 23);

WHEREAS, on January 11, 2023, this Court so ordered such stipulation (Dkt. No. 24) (the “Scheduling Order”);

WHEREAS, pursuant to the Scheduling Order:

1. the deadline for Co-Lead Plaintiffs to file a consolidated amended complaint is 60 days from the entry of the Scheduling Order or March 13, 2023;
2. the deadline for Defendants to file a responsive pleading is 60 days from the filing of the consolidated amended complaint or May 12, 2023;
3. the deadline for Co-Lead Plaintiffs to file an opposition to Defendants’ motion is 60 days from the filing of Defendants’ motion, if any, or July 11, 2023;
4. and the deadline for Defendants to file any reply is 45 days from the filing of Co-Lead Plaintiffs opposition, if any, or August 25, 2023;

WHEREAS, pursuant to the terms of the Exchange Act (as amended by the PSLRA) (see 15 U.S.C. § 78u-4(b)(3)(B)), all discovery is currently stayed pending resolution of any motion to dismiss filed by Defendants;

WHEREAS, this is a complex securities class action subject to the PSLRA’s heightened pleading requirements and circumstances in the investigation have arisen such that Co-Lead Plaintiffs believe a short extension, up to and including March

27, 2023, is necessary to complete their investigation and file their amended complaint;

WHEREAS, Defendants consent to Co-Lead Plaintiffs' requested modification, subject to the Court's approval;

WHEREAS, the parties have conferred, through counsel, and agree to the following proposed deadlines for filing a consolidated amended complaint and subsequent briefing:

| <i>Filing</i>                                      | <i>Deadline</i>   |
|--|-------------------|
| Co-Lead Plaintiffs' Consolidated Amended Complaint | March 27, 2023    |
| Defendants' Answer or Motion to Dismiss            | May 26, 2023      |
| Co-Lead Plaintiffs' Opposition                     | July 25, 2023     |
| Defendants' Reply                                  | September 8, 2023 |

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, this 1st day of February, by and between the undersigned counsel, and subject to Court approval, that:

1. The following schedule shall govern:

| <i>Filing</i>                                      | <i>Deadline</i> |
|--|-----------------|
| Co-Lead Plaintiffs' Consolidated Amended Complaint | March 27, 2023  |

|   |                   |
|---|-------------------|
| Defendants' Answer or Motion to Dismiss | May 26, 2023      |
| Co-Lead Plaintiffs' Opposition          | July 25, 2023     |
| Defendants' Reply                       | September 8, 2023 |

**SO STIPULATED.**

Dated: March 1, 2023

Respectfully submitted,

POMERANTZ LLP

/s/ Brenda Szydlo

Jeremy A. Lieberman  
(admitted *pro hac vice*)  
Brenda Szydlo  
(admitted *pro hac vice*)  
Dean Ferrogari  
(admitted *pro hac vice*)  
Thomas H. Przybylowski  
600 Third Avenue, 20th Floor  
New York, New York 10016  
Telephone: (212) 661-1100  
Facsimile: (917) 463-1044  
jalieberman@pomlaw.com  
bszydlo@pomlaw.com  
dferrogari@pomlaw.com  
tprzybylowski@pomlaw.com

*Co-Lead Counsel for Lead  
Plaintiffs, Alejandro Pieroni, and  
the proposed Class*

LEVI & KORSINSKY, LLP

/s/ Adam M. Apton

Adam M. Apton  
55 Broadway, 10th Floor  
New York, New York 10006  
Tel: (212) 363-7500  
Fax: (212) 363-7171  
Email: aapton@zlk.com

*Co-Lead Counsel for Lead  
Plaintiffs and the proposed Class*

THE SCHALL LAW FIRM  
Brian Schall  
2049 Century Park East, Suite 2460  
Los Angeles, California 90067  
Telephone: (424) 303-1964  
brian@schallfirm.com

*Additional Counsel for Co-Lead  
Plaintiff Joshua Mailey*

BRONSTEIN, GEWIRTZ &  
GROSSMAN, LLC  
Peretz Bronstein  
60 East 42nd Street, Suite 4600  
New York, New York 10165  
Telephone: (212) 697-6484  
Facsimile: (212) 697-7296  
peretz@bgandg.com

*Additional Counsel for Plaintiff  
Alejandro Pieroni*

POLSINELLI PC

/s/ Bryan Westhoff

Aaron E. Zerykier  
600 Third Avenue, 42nd Floor  
New York, NY 10016  
Telephone: (646) 289-6512  
Facsimile: (917) 677-8203  
azerykier@polsinelli.com

Bryan M. Westhoff (*pro hac vice*  
application pending)  
150 N. Riverside Plaza, Suite 3000  
Chicago, IL 60606  
Telephone: (312) 873-2973  
bwesthoff@polsinelli.com

*Attorneys for Defendants*  
*Humanigen, Inc., Cameron*  
*Durrant and Timothy Morris*

KLEINBERG KAPLAN WOLFF  
& COHEN PC

/s/ Marc Robert Rosen

Marc Robert Rosen  
500 Fifth Avenue  
New York, NY 10110  
212-986-6000  
Email: mrosen@kkwc.com

*Attorneys for Defendant Dale*  
*Chappell*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: [March 2, 2023](#)

[/s/ André M. Espinosa](#)

ANDRE M. ESPINOSA  
United States Magistrate Judge